



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 18
AGENDA DATE: Thu 12/02/2004
PAGE: 1 of 1**

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 and Decker to 183 Project to acquire a permanent waterline easement containing 3,159 square feet and a temporary working space easement containing 400 square feet in the James Burleson Survey No. 19, Abstract No. 4, Travis County, Texas, in the amount of \$670. The owner of the property interests sought to be acquired is 7400 WEBBERVILLE ROAD, INC., Austin, TX. The property is located at 7400 FM Road 969, Austin, TX.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2004-2005 Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Public Works **DIRECTOR'S**
DEPARTMENT: for Austin Water Utility; **AUTHORIZATION:** Sondra Creighton

FOR MORE INFORMATION CONTACT: Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The design plans for the FM 969 and Decker to 183 Project require acquisition of a permanent waterline easement and a temporary working space easement on land located at 7400 FM Road 969, Austin, TX.

The City of Austin is relocating the utilities located in the Right-of-Way of FM Road 969 pursuant to a request from the Texas Department of Transportation in order to construct a raised median with left-turn lanes to improve traffic flow and enhance safety.

The City of Austin has attempted to purchase the permanent waterline easement from the landowner. However, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

RESOLUTION NO. 041202-

WHEREAS, the Council finds that acquisition of the property interests described in the attachment are necessary for a public use; and

WHEREAS, the City has been unable to agree with the owner on the fair market value of the property interests to be acquired; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

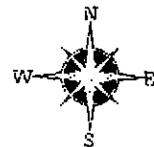
The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property interests.

The owner of the property interests to be acquired is 7400 Webberville Road, Inc., and the property is located at 7400 FM Road 969, Austin, Travis County, Texas.

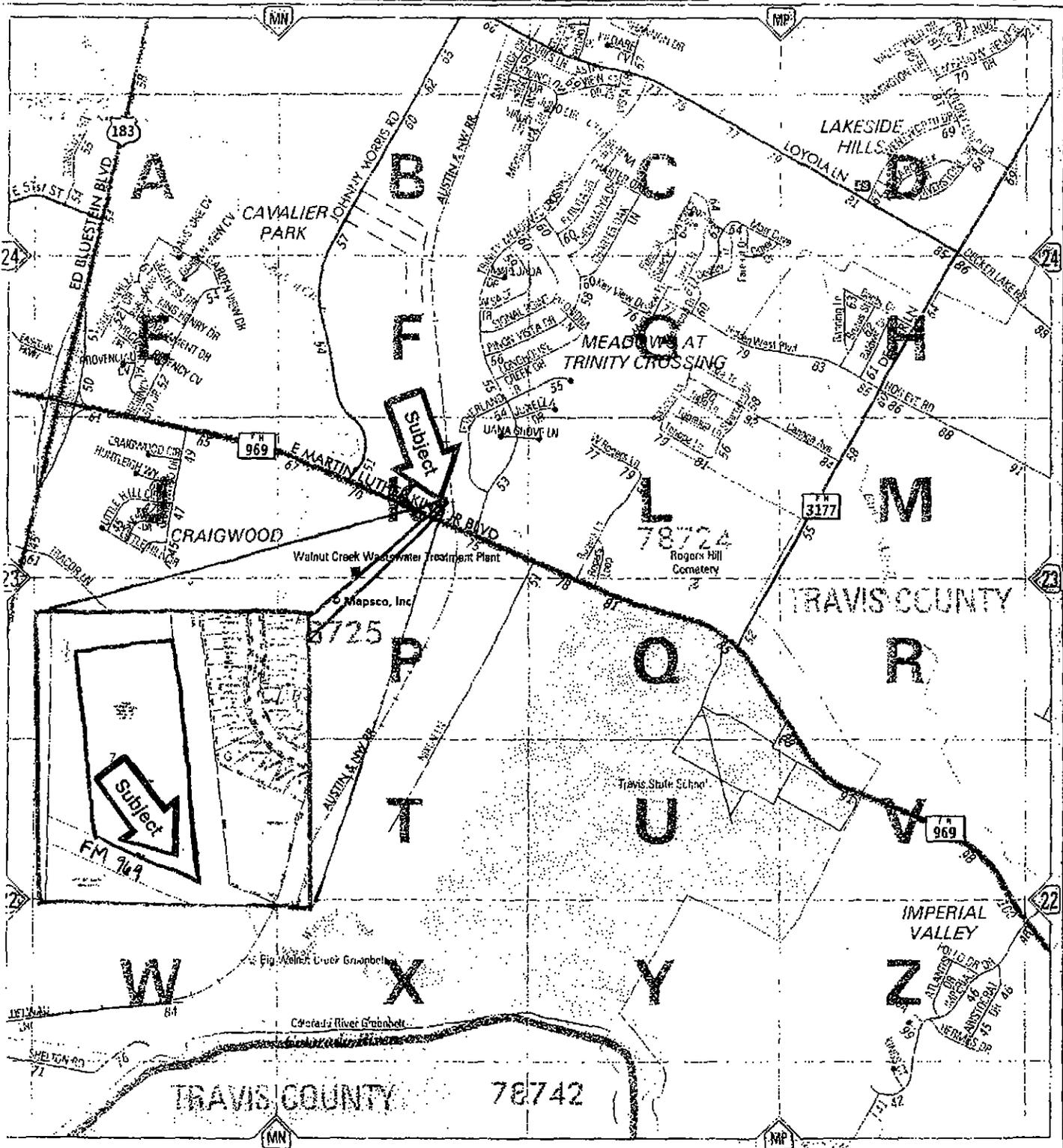
ADOPTED: _____ December 2 _____, 2004

ATTEST: _____

Shirley A. Brown
City Clerk



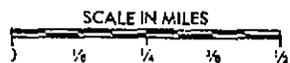
CONTINUED ON MAP 557



CONTINUED ON MAP 586

CONTINUED ON MAP 517

CONTINUED ON MAP 588



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CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

12/2/2004
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the FM 969 and Decker to US 183 Project to acquire a permanent wastewater line easement containing 3,159 square feet and a temporary working space easement containing 400 square feet out of 5.991 acres in the J. Burleson Survey Number 19, Abstract 4, in the City of Austin, Travis County, Texas in the amount of \$670. The owner of the property interests sought to be condemned is 4700 WEBBERVILLE ROAD, INC., of Austin, TX. The property is located at 7400 FM Road 969, Austin, TX.

FINANCIAL INFORMATION:

Parent Project Name: Water Unfunded Future
Project Authorization: 2004-05 Approved Capital Budget
Funding Source: Commercial Paper
Number: 3960 227 1019

Current Appropriation	\$ 298,783,739.00
Unencumbered Balance	101,060,814.32 *
Amount of This Action	<u>(670.00)</u>
Remaining Balance	<u>\$ 101,060,144.32</u>
Current Available Balance	\$ 102,694,815.32
Less Outstanding Commitments	<u>(1,634,001.00)</u>
Estimated Unencumbered Balance	<u>\$ 101,060,814.32 *</u>

Utility Finance: _____



David Anders, Utilities Finance Manager

Date: _____

11/9/04

REF. # 3960 227 7368